United States Department of Agriculture

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NEW MEXICO BULLETIN NO. 180-7-05

SUBJECT: CPA - 2007 COMPLIANCE STATUS REVIEW TRACTS AND AREA ASSIGNMENTS FOR CONDUCTING STATUS REVIEWS.

Action Items and Deadlines

1. District Conservationists will provide added tracts to Area Coordinators by **April 20, 2007**
2. Area Coordinators will make tract assignments and enter added tracts into the FSA Status Review site by **April 30, 2007**
3. All reviews are to be completed by the reviewer staff and submitted to the Area Coordinators by **June 1, 2007**
4. Area Coordinators will check reviews and enter in the FSA Status Review (SR) site on the Web by **August 1, 2007**
5. Area Conservationist will send a letter certifying adequate completion of the Reviews by **August 1, 2007**.
6. A 5% Quality Assurance check will be completed by the SRC by **October, 2007**

Purpose: To provide the wetland and HEL status review tract list and to provide guidance for this years FSA Status Reviews.

Expiration Date: December 31, 2007.

- Attached are the instructions for obtaining the nationally selected wetland and HEL tract list for calendar year 2007 *(attachment 1)*. The list has been modified by adding all the replacement tracts needed this year at the SO level.
- Additional status reviews; Whistle-blowers; FSA Farm credit borrowers (5%); CRP contracts with early termination and NRCS employee tracts are to be added to the tract list. Local DCs must have employees that own or operate tracts fill out the attached NRCS-CPA-1 form (attachment 2) and add to the Web those tracts that have not been reviewed once in the last three years. All additional tracts need to be added to the Web list by the coordinators. Area Coordinators will ensure this item is completed. **Must be completed by April 30, 2007.**
- The table below has the list of team members. This year we will not have any formal training sessions. Any training needed will be done at the area level. If a status reviewer has a tract that he or she wrote the plan on, they should contact an adjacent team reviewer to do the review. The team representatives are as follows (This list can be modified by Area Coordinators as needed to complete the SR):

Area Reviewer	Area
Ben Creighton, **coordinator**	E
Relissa Nials	E
Holly Byrd	E
Joe Gibson	E

Area Reviewer	Area
Dan Thomas, **coordinator**	NW
David Griego	NW
Don Ashby, **coordinator**	SE
Tim Henry	SE
Danny Branch, **coordinator**	SW
Santiago Misquez	SW

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The following action items will be completed by the DC before the Status Review can be completed.

ACTION ITEMS:

1. **DCs, add any tracts** to the list that were granted variances last year, and any complaint tracts needing a SR for this year (these can come anytime in the year). **Add any employee** names that require a review (tracts must be reviewed once every three years). Send your area coordinator the list of tracts to be added to the Web. If a tract was NA or CW last year and is on the list this year, and is not reinstated, the DC will reconcile this with FSA. Make sure that the flags on the tract are set correctly (**no plan in place or not planned**). The **area coordinators** will load the additional tract by the **April 20** deadline.

2. **Replacing Selected Tracts –** If an employee tract has been selected once in the last two years, the DC will select a new tract and give the new number to the Area Coordinators.

3. **The DC will check the tracts** to see if they have a valid FSA plan and determination paper work. **(This must be fixed before the review can be completed.)**
4. **The DC will obtain client names, tract information, and crop history from FSA**. Collect sufficient years of crop history to adequately document application of the crop rotation specified in the compliance plan. This can be added to the case folder for the reviewer to use when they come to do the review.

5. **The DC will coordinate the time for the reviews** to be completed with the reviewer, and schedule them for the review time. The reviews must be completed just before the end of critical erosion period. For most, it is before April 30 and just after spring planting.

6. **The DC will prepare letters to notify the clients** of the status review and to schedule appointments. **Clients are to be notified no less than 15 days and no more than 30 days before the status review will be conducted.** Use the attached letter as an example *(attachment 3)*. Follow-up telephone calls are recommended.

7. **The reviewers will complete the status reviews**, fill out the review form, place a copy in the client's folder (**CPA-FSA SR NM form**, *(attachment 4)*, give a copy to the area coordinator to load on the Web.

8. **Area coordinators will** make tract assignments by **April 20, 2007**. Call Rudy Garcia with any questions concerning the procedures.

9. **By August 1, 2007 coordinators will have the ACs notify (by letter) the SRC that all the reviews are done.**

FSA/FACTA Status Review Instructions

Enclosed are the following items as attachments:

- *(Attachment 4)* Standard Field Review Form **- CPA-FSA SR NM**, dated March 2007 (use for all UA calls).
- *(Attachment 5)* **FSA/FACTA Status Review Worksheet** (needed when a call other than UA is made).
- *(Attachment 6)* The old **NRCS-CPA-18 Form** (needed when a call other than UA is made)
- *(Attachment 7)* **Estimating Crop Residue Cover and Percent Cover to Pounds per Acre Table**.

The following instructions are to provide guidance in conducting the status reviews. Refer to the Forth Edition, Amendment 1 April, 2004, of the National Food Security Act Manual (NFSAM) for more information. Part 518 has been revised and is on the Web. http://policy.nrcs.usda.gov/scripts/lpsiis.dll/M/M_180.htm

GENERAL INFORMATION

1. The tract list identifies nationally selected tracts. It is the responsibility of the **Area Coordinator** to ensure that each tract has a status review completed by the responsible reviewer on time. The **DC** must ensure that the tract has HEL fields, was planted and tilled annually sometime in the crop rotation**.** Hayland that is rotated 5-7 years counts for planted and tilled annually.

2. The **DC** needs to update the clients' records in the case folder, such as field numbers and acreage.

3. The **DC** will begin the official notification and scheduling of the status review with each producer by letter *(attachment 3)*. The status review begins when the notification letter is written.

4. Additional status reviews, such as; variance, whistle-blower, FSA Farm Credit Borrowers and (once every three years) NRCS employee tracts, are to be added to the tract list and completed for both the HEL and wetland criteria. Section 518.02c requires the **DC** to provide the **CED** with the NRCS tract list to ensure that at least 5% of the Farm Credit Borrowers are included on the list, if not, Farm Services will add enough tracts to meet the 5% requirements. Tracts must meet the criteria in Action Items number 1 and 2. The tract number will be forwarded to the Area Coordinator to post to the Web.

5. Section 520 of the NFSAM, Fourth Edition, Amendment 1, contains status review procedures for exemptions and variances and should be reviewed carefully before conducting status reviews. **It is strongly recommended that this section and section 518 be copied for reference while in the field.** Any tract where the producer is applying an RMS that meets Tier 3 in the CSP program (RMS applied) is exempt. The code for the form and the SR WEB entry is EX.

6. Counties that have the **irrigation waiver** (county plan, old MLRA-SD, new CRA 42) must ensure that the status reviews are completed, including the 5% of FSA Farm Credit Borrowers. This **requires** a field visit to ensure that the fields in the tract are in fact irrigated.

7. Producers and all persons, who have an interest in the tract, are to be notified within ten days by letter when any determination other than **Using an approved system (UA)** is made. The associated persons are found in Part A, Block 9 of the FSA-569. Refer to section 518.12 b of the NFSAM.

8. Provide copies of completed status reviews (CPA-FSA-SR-NM Form) to your Area Coordinator no later than **<u>August, 2007</u>**. Status Reviewers, it is a good idea to keep a copy for your records in case something gets lost.

9. Place the original form in the case file.

DOCUMENTATION INFORMATION for NA and PV Tracts

1. The attached FSA/FACTA status review worksheet *(attachment 6* - CPA-18) and the *(attachment 7)* will be completed for all cropland tracts determined something other than **UA**. The reviewer must document that the required crop rotation is being followed (if needed for the plan) and specify the crop(s) in the documentation. Crop history information will be obtained from FSA. Remember to include supporting data such as producer records in the documentation. Part of this documentation is then summarized on the status review Form, NRCS-CPA-18 (columns 21, 22, & 23). **All Potential Violation (PV) for wetlands** will be referred immediately to Marcus Miller at 761-4432.

2. The management period for wind erosion prediction method will be required for all compliance evaluations when an approved system has **not been applied**. Therefore, adequate documentation, such as tillage operations and dates, are essential during the status review. Contact Rudy Garcia at 761-4424 to assist in running the WEQ needed to calculate the existing system soil loss.
3. Record the previous crop residue and growing crop as dry weight separately. State the condition of each field and what the required Small Grain Equivalent (SGe) or dry weight was at the time of the review. Use the procedure listed below.

   - When fields are in a ridged condition, record the average ridge height and spacing and the ridge angle to the prevailing erosive wind direction. Record random roughness when present.
   - Record practice application in the case file (cons 68), or in Toolkit.
   - Attach a copy of the plan used for the status review to the CPA-18 and file it in the case file.
   - An administrative record folder will likely be developed if a National Appeals Division appeal is needed.

RESIDUE DATA COLLECTION

Data collection for the "Actual Residue" will be done by one of the following procedures.

A. If the residue is both **standing (>45 degrees) and flat**:

   1. If it is obvious that the residue in the field far exceeds the required amount, an ocular estimate of total pounds can be made. Ocular estimates are to be used only by well-trained conservationists. Refer to the color photos. http://www.nm.nrcs.usda.gov/technical/tech-notes/agro/ag73.doc

   2. If the amount of residue present does not obviously exceed the amount required, use procedure to determine total pounds present and convert to SGe using the appropriate chart in the National Agronomy Manual. Use the clip and weigh procedure described in the Agronomy Technical Note #43, Hand Clipping Method. http://www.nm.nrcs.usda.gov/technical/tech-notes/agro/ag43.pdf

B. If the **residue is flat:**

   1. If it is obvious that the residue in the field far exceeds the required amount, an ocular estimate of total pounds can be made. Ocular estimates are to be used only by well-trained conservationists. Refer to the color photos (as above).

2. If the amount of residue present does not obviously exceed the amount required, use the line point procedure to determine percent ground cover percentage. See Part 503 of the National Agronomy Manual, 503.53 Estimating Crop Residue Cover, use the conversion chart *(attachment 7)* to determine the total pounds/acre dry matter present and convert to SGe using the appropriate charts in the National Agronomy Manual. We will use **5 measurements** to develop the average. If you have any questions call the State Agronomist for help.

STATUS REVIEW DETERMINATIONS OUTSIDE NORMAL WORK AREA BOUNDAIRES

The following guidance was developed in concurrence with neighboring states to obtain uniform procedures pertaining to compliance servicing and planning on tracts located across boundary lines. These procedures are to be followed. Always use the ACS or planning requirements where the tract is located not in the Admin County.

Situation #1 - A tract is located in a **different** county (or state and county) than the **administrative county**.

Make sure that the Admin County and Location County in the database are correct. The Admin County is where the records for the tract are kept. The Location County is where the land is physically located.

Situation #2 - Tracts are split by a county (or state and county) boundary line.

If the tract is located out of state, then the tract notification will be forwarded to the state where the plan resides. The completed form will be faxed back to the administrative county (presumably NM).

Unusual situations that require special consideration can be handled on a case-by-case basis with concurrence from the State Resource Conservationist.

Contact your Area Coordinator with questions concerning the status review process.

DENNIS ALEXANDER
State Conservationist

Attachments
1. Instructions on obtaining the Wetland and HEL tract list located on FSA Compliance Reviews website
2. NRCS Employee Data on Farm Interest - NRCS-CPA-1
3. Sample letter notification to producer of Status Review
4. Standard Field Review Form - CPA-FSA SR NM
5. The FSA/FACTA Status Review Worksheet (needed when a call other than UA is made)
6. NRCS-CPA-18 Form
7. Estimating Crop Residue Cover and Percent Cover to Pounds per Acre Table
8. Sample letter to RD for request for 5% of their borrowers
9. NFSA Manual Part 518.a.02 - NRCS Procedures to Carry out the MOA between FSA and NRCS
10. FSA Status Review Training Manual (electronic copy located at the FSA Compliance Review website)